

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016010051
v.	
NAPA VALLEY UNIFIED SCHOOL DISTRICT,	
<hr/>	
NAPA VALLEY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015120812
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On December 18, 2015, Napa Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015120812 (District's Case), naming Student.

On December 30, 2015, Student filed a Request for Due Process Hearing in OAH case number 2016010051 (Student's Case), naming Napa Valley.

On January 7, 2016, Student filed a Motion to Consolidate Student's Case with District's Case. Napa Valley does not object to the consolidation.

APPLICABLE LAW

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. OAH will generally consolidate matters that involve: a common question of law or fact; the same parties; and when consolidating the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

DISCUSSION

Here, Napa Valley's Case and Student's Case involve common questions of law or fact. Both cases involve the same individualized education program and the same period of time. The issues presented, while not identical, are sufficiently intertwined that consolidation is appropriate. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses would be required to testify in each proceeding. Each case will also involve the introduction of the same or similar documents. Accordingly, consolidation is granted.

Upon consolidation, OAH must determine the case that will be considered the primary case for the purpose of calculating the applicable timelines. Student's case, OAH Case No. 2016010051, will be considered the primary case. Consequently, the consolidated matter will proceed with the dates and times set forth in Student's case.¹

ORDER

1. Students' Motion to Consolidate is granted.
2. The matter will proceed on the dates currently set in OAH Case Number 2016010051 (Student's Case): **Mediation is set for Wednesday, February 3, 2016, at 9:30 a.m.; the Prehearing Conference is set for Friday, February 19, 2016, at 1:00 p.m.; and the Due Process Hearing is set for Tuesday, February 23, 2016, at 9:30 a.m.**
3. All conflicting dates previously set in OAH Case Number 2015120812 (Napa Valley's Case) are vacated.
4. The 45-day timeline for issuing the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2016010051 (Student's Case).

IT IS SO ORDERED.

DATE: January 22, 2016

/s/

JAMIE ERRECART
Administrative Law Judge
Office of Administrative Hearings

¹ Napa Valley made a request to present its case-in-chief before Student. This Order addresses only the request to consolidate the two cases. Napa Valley should renew the request at the PHC scheduled for February 19, 2016.